

**Testimony of Tom Maulson, President
Lac du Flambeau Band of Lake Superior Chippewa Indians
Before the House Appropriations Subcommittee on Interior and Related Agencies
on FY 2014 Department of the Interior, Environmental Protection Agency and the
Indian Health Service Budget
April 25, 2013**

My name is Tom Maulson, I am President of the Lac du Flambeau Band of Lake Superior Chippewa Indians, located in Wisconsin. I am pleased to submit this testimony, which reflects the needs of our Tribal members for Fiscal Year 2014. I would like to thank the Subcommittee for its leadership and commitment to Tribes and the programs that are critical to us.

Sequestration. We would first like to express our strong objection to sequestration of discretionary programs. An across the board sequester was proposed not as a sensible policy, but because it was so universally viewed as unreasonable that it was expected to spur Congress and the President to get together on the budget to make sure it never took place. Yet here we are, with a sequester in place for FY2013 – and likely to continue unless Congress and the President can agree otherwise for FY2014.

The sequester is a terrible policy for the country overall, but it has a special impact on tribes. The United States has both Treaty obligations and a trust responsibility to Indian tribes. The tribes gave up the lands on which this country was built, in return for the solemn promises of the United States to protect tribal treaty rights, lands and resources and to provide various services to tribal members. The United States' promises to the tribes should be kept – and not reduced by sequestration. The indiscriminate cuts from sequestration harm tribes, as we continue our ongoing efforts to promote economic growth and build a better future for our children. Tribal programs should not be subject to sequestration.

Changes Proposed Regarding Contract Support Costs – For BIA and IHS. The Lac du Flambeau Band also opposes the Administration's proposal for FY2014 regarding payment of contract support costs. Here again, this is a matter of the United States keeping its promises. When a tribe enters a contract with the United States under the Self-Determination Act, the United States promises to pay full contract support costs – various costs necessary for the tribe to successfully run the program. The courts have held that if the United States does not fulfill its promise regarding payment of contract support costs, the tribe can file a claim and recover the shortfall. But now, the Administration is proposing a new system – which would impose for the first time caps for each tribe regarding contract support costs. The whole purpose of these new tribal-specific caps is to protect the United States from having to pay full contract support costs. The effect of this provision would be to make it more difficult for tribes that enter contracts or compacts under the Self-Determination Act to succeed, and to penalize tribes that wish to enter new contracts or compacts. The Administration's proposal should be rejected. Congress should fully fund all contract support costs and resolve all prior year contract support cost claims.

INDIAN HEALTH SERVICE

Purchased/Referred Care. We want to call particular attention to the need for purchased/referred care (which was previously called contract health care) funding, which is a need that we have expressed to the Subcommittee for several years. This category of health care

funding is so important to the basic health and well-being of our communities, where a very significant portion of our health care must be referred out. Despite its importance, historically this category has been tragically underfunded – with funds running out before the year ends. We would like to express our appreciation to the Subcommittee for providing increases to contract health care funding over the past couple of years, and we strongly support the \$35 million increase for purchased/referred care services proposed for the FY2014 Budget.

Mental Health. At Lac du Flambeau there is a rapidly expanding need for resources to address a range of mental health problems. Funding has simply failed to keep pace with our needs – as our mental health funding remains a very small portion of our annual health care funding. We strongly support the Administration’s proposal to add \$4.2 million for Mental Health.

BUREAU OF INDIAN AFFAIRS

The Tribe is disappointed that the BIA’s proposed budget for FY2014 is essentially level funding for most programs. The Tribe recognizes the difficult fiscal times the Nation is in and thus, is pleased that the BIA did not propose decreases to many BIA’s programs. The 2014 Budget does include an initiative called “horizontal consolidation” –a \$33.5 million cut that would be imposed by reducing BIA personnel at the Headquarters, Regional and Agency offices through attrition, buyouts and other means. We are concerned that will leave the BIA inadequately staffed to meet its trust obligations of the tribes. We are seeing this with respect to BIA Natural Resource personnel – as key people leave and are not replaced, the level of services to the tribes may decline and key tasks may be delayed or omitted entirely. It is vital that BIA personnel reductions be undertaken with full tribal consultation and sensitivity to the needs of tribes and the BIA’s ongoing obligations. We urge the Subcommittee to monitor these changes carefully.

Today we want to focus on the funding needs for the BIA Education, Public Safety and Natural Resource Programs.

Tribal Education Programs. Education is a top priority for the Tribe. We believe that it is through investment in education that we will be able to restore stability to our Nation’s economy. To continue the progress Indian Country has made in participation and control of education programs and schools, it is imperative that funding for tribal higher education programs be increased. We support the Administration’s proposed small increase for the BIA scholarship and adult education program, as well as the newly proposed \$3.0 million for post-graduate study in science fields. This funding supports Indian students working for higher education and advanced degrees. Tribal communities have made great strides in educating their youth. Those strides are evident in the fact that more Indian students are attending and graduating from colleges and other post-secondary institutions. However, tribal communities must continue to evolve with other communities. The national and global economy has changed – students must earn college and graduate degrees to remain competitive.

Public Safety. The Tribe supports the Administration’s proposal to increase funding for BIA Public Safety and Justice Programs. Among the many challenges facing law enforcement at Lac du Flambeau is an increasing threat from a range of illegal drugs – including synthetic cannabinoids and others. The rapid growth in the use of these illegal drugs has led our Tribal government recently to declare a state of emergency. We are taking broad steps to address the problem in a multi-dimensional way – including education, prevention and rehabilitation. A key

component of this effort is to prosecute those who sell these illegal drugs that are so significantly harming our young people and our communities. This is just one example of the need for an effective law enforcement presence at Lac du Flambeau.

Tribal Natural Resource Management and Development. Tribes are leaders in natural resource protection and BIA natural resource funding is essential to maintain our programs. Lac du Flambeau has a comprehensive Natural Resources Department and dedicated staff with considerable expertise in natural resource and land management. Our activities include raising fish for stocking, conservation law enforcement, collecting data on water and air quality, developing well head protection plans, wildlife habitat protection and enhancement, conducting wildlife surveys and administering timber stand improvement projects on our 86,000-acre Reservation. In addition to being important cultural and environmental resources for current and future generations, natural resources provide many Tribes and surrounding communities with commercial and economic opportunities. It is with this understanding of the importance of our natural resources, that the Tribe strongly supports the Administration's proposed increase of \$2.0 million for the Tribal Natural Resource Management and Development. Specific proposed increases in Fishing, Wildlife and Parks, Endangered Species, Rights Protection and Cooperative Landscape Conservation are all very important to us. We also support the Administration's initiative to engage Indian youth in the natural sciences.

Conservation Law Enforcement Officers. One of the critical elements of our Natural Resource program is our Conservation Law Enforcement Officers. These officers are primarily responsible for enforcing hunting and fishing regulations related to the exercise of treaty rights, but they also have a much larger role in law enforcement. They are often the first to respond to emergency situations. These officers play an integral part in protecting our cultural and economic resources, as well as assisting with the most important role of protecting public safety. We urge the Subcommittee to support increased funding for Conservation Law Enforcement for FY2014, as an acknowledgement of the importance of Tribal conservation law enforcement officers to the federal law enforcement family.

Circle of Flight: Wetlands Waterfowl Program. We urge the Subcommittee to continue to provide support for the BIA Circle of Flight Program, by providing at least the \$800,000 funding level proposed by the Administration. This program supports Tribal efforts throughout the Great Lakes Region to restore and preserve wetlands and waterfowl habitat within Tribal territories. This program also gives the Great Lakes Region Tribes, States, USFWS, USDA, Ducks Unlimited and other private sector groups an opportunity to work cooperatively in projects that provide wetland protection, flood control, clean water and recreation in the Great Lakes Region. The Subcommittee's strong support of this program over two decades has resulted in tremendous successes in restoring wetlands and waterfowl habitat throughout the Mississippi Flyway.

Great Lakes Indian Fish and Wildlife Commission. Related to the Tribe's natural resource needs, we would like to voice our continuing support for the **Great Lakes Indian Fish and Wildlife Commission** ("GLIFWC"). The Tribe is a member of the Commission, which assists the Tribe in protecting and implementing its treaty-guaranteed hunting, fishing and gathering rights. We urge the Subcommittee to fully support the programmatic funding for GLIFWC in the amount of \$6.367 million from BIA, plus \$1.2 million from EPA to continue its vital treaty-rights protection/implementation programs. GLIFWC has played an invaluable role in providing

science and sound management practices for our off-reservation resources. This role could not be filled by any other agency.

ENVIRONMENTAL PROTECTION AGENCY

Tribal General Assistance Program. The Tribe strongly supports the proposed \$5 million increase for the Tribal General Assistance Program (“Tribal GAP”). This program provides base environmental funding to assist Tribes in the building of their environmental capacity to assess environmental conditions, utilize available data and build their environmental programs to meet their needs. This funding is critical for Tribes in the Great Lakes as our region begins to examine resource extraction issues, in particular mining. While we understand the need for job creation, we believe any action must be done in a way that does not destroy our natural resources, which are the basic foundation of our way of life and economies today.

Great Lakes National Program Office. We continue to support the Great Lakes Restoration Initiative (“GLRI”) and in particular, the funding set-aside for tribes. The Great Lakes represent three quarters of the world’s supply of fresh water. But for us, the indigenous people of Wisconsin, the Great Lakes represent the life blood of our economies and our culture. The protection and preservation of the Great Lakes is necessary to the protection and preservation of the tribal communities that have made the Great Lakes their home since time immemorial.

Clean Water Program. The Clean Water Program provides grants to tribes under Section 106 of the Clean Water Act to protect water quality and aquatic ecosystems, and the Tribe supports the proposed \$20.3 million increase in section 106 grants. The Lac du Flambeau Clean Water program monitors, maintains and improves water quality for the tremendous amount of surface and ground water within the exterior boundaries of our Reservation. There are 260 lakes covering 17,897 acres, 71 miles of streams, and 24,000 acres of wetlands within the Reservation. Surface waters cover nearly one-half of the Lac du Flambeau Reservation. Funding to maintain clean waters on our Reservation has already decreased below the minimum required to maintain our program. We ask the Subcommittee to protect funding for this program.

Air Quality. In Wisconsin, a major recent change in state law creates the likelihood of a new, large-scale iron-mining, which would have extensive environmental impacts on both the Reservation and the Tribe’s ceded territory, where we have Treaty-protected hunting, fishing and gathering rights. To protect our lands and Treaty rights from pollution associated with new iron mining, we will need baseline air quality data which demonstrates the conditions we are seeking to protect. We urge the Subcommittee to support increased funding for Tribal air quality monitoring activities and associated staffing.

Brownfields. The 2002 Brownfield Bill authorizes \$50 million for State and Tribal Response Programs. Appropriations have been slightly less than the authorized \$50 million. The 2002 authorization expired in 2006. Like many programs, expired authorizations have continued to be allocated. Both States and Tribes are competing for the same pool of money. Every year more tribes apply for funding. There is a critical base needed just to operate a program. Both the needs of a state cleanup program and the needs of new tribal cleanup programs cannot be met by the authorized \$50 million or the allocated amounts.